

REMARKS

Claims 1-17 are pending, in which no claim has been canceled, withdrawn from consideration, currently amended, or newly presented. No new matter is introduced.

The Office Action mailed December 10, 2004 allowed claims 15-17, objected to claims 2-3, 5, and 10-11 as allowable by dependent on a rejected base claim, and rejected claims 1, 4, 6-9, and 12-13 under 35 U.S.C. § 102 as anticipated by *Kell* (US 5,927,057).

The allowability of claims 2-3, 5, 10-11, and 15-17 is noted with appreciation.

The rejection of 1, 4, 6-9, and 12-13, on the other hand, is respectfully traversed because *Kell* fails to disclose the features of the claims. For example, both independent claims 1 and 9 recite: “determining whether the vehicle has been driven for a predetermined period of time.” As explained in the specification, there are various ways that the odometer reading could be fraudulently modified (e.g. by tampering with the vehicle speed pulse input), and that one way for “preventing such fraud is addressed by determining whether a vehicle has been driven for a predetermined period of time, such as an hour, and checking whether input to odometer is consistent with such determination.” (Specification, ¶ 6).

This feature is not shown in *Kell*, which, in fact, is directed to a type of odometer fraud that occurs when the vehicle is not even moving. More specifically, *Kell* discloses a method of preventing odometer fraud by periodically storing the odometer value in a number of dispersed non-volatile memory locations (Abstract). According to *Kell*, every ten seconds or so, a “cluster control module 24 reads the stored odometer mileage variable in each of the plurality of non-volatile memory locations 26, 32, 36” and “causes each non-volatile memory location 26, 32, 36 to store the highest odometer mileage variable stored in any of the non-volatile memory locations” (col. 3:15-21). This approach forces a would-be tamperer to modify all the odometer readings disposed in multiple locations of the vehicle before the next read-and-update step by the

cluster module 24, a procedure that is disclosed to be more difficult if the period of time is only ten seconds (see col. 3:22-29).

Kell fails to disclose, however, any feature of “determining whether the vehicle has been driven for a predetermined period of time” as recited in independent claims 1 and 9. In fact, “determining whether the vehicle has been driven for a predetermined period of time” is irrelevant to the operation of *Kell*’s system. For example, it is probably far too dangerous for a would-be tamperer to access the various non-volatile memory locations on a moving vehicle, so, to be effective, *Kell* would still have to work when the vehicle is not moving at all (e.g., on a lift in a garage). *Kell*’s alternative embodiment of performing the read-and-update step “as the ignition key is turned on” also forecloses the relevance of “determining whether the vehicle has been driven for a predetermined period of time” in its system.

The passage cited in the Office Action for this feature do not support the rejection. For example, col. 3:5-8 merely states: “These communication standards allow electrical communication between control modules, which enables the odometer mileage variable to be stored in a plurality of discrete non-volatile memory locations within the vehicle.” There is no inkling of “determining whether the vehicle has been driven for a predetermined period of time” as recited in independent claims 1 and 9.

Since independent claims 1 and 9 are patentable over *Kell*, so are their dependent claims 4, 6-8, and 12-13. Moreover, the allowability of independent claims 1 and 9 are patentable over *Kell* also renders the objection to claims 2-3, 5, and 10-11 moot.

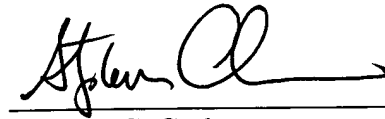
Therefore, the present application overcomes the objections and rejections of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the

undersigned attorney at 703-425-8516 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date



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